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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 016778/0421

Applicant: Ulrich FABER

Title: WIRELESS COMMUNICATION DEVICE AND METHOD OF
PREDICTING A FRAME RATE IN A CDMA
COMMUNICATION SYSTEM

Serial No.: 09/730,545

Filed: December 7, 2000

Examiner: Unassigned

Art Unit: 2681

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56 and 37 CFR §1.97**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR 1.97 and 1.98.

The submission of any documents herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a prima facie prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The instant Information Disclosure Statement is believed to be filed in accordance with 37 C.F.R. 1.97(b), prior to the mailing date of a first Office Action on the merits (first scenario). If that is not the case, such as in a second scenario in which a first Office Action on the merits has been mailed before the filing of the instant Information Disclosure Statement, then either a certification or fee is required, and a certification is provided below. If neither of the first or second scenarios is the case, such as if a final Office Action or a notice of allowance has been mailed by the PTO (third scenario), then both a certification and fee are required, and in that case a certification is provided below and also the PTO is authorized to obtain the necessary fee to have the instant IDS considered, from Foley & Lardner Deposit Account #19-0741.

CERTIFICATION

The undersigned hereby certifies in accordance with 37 C.F.R. §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement.

RELEVANCE OF EACH DOCUMENT

A translation of a portion of a Korean Office Action that issued June 28, 2002 with respect to a counterpart Korean patent application is provided below.

"The invention described in the claims of this application could have been easily invented prior to this application by a person with ordinary knowledge in the technical field to which that invention belongs, and therefore a patent cannot be granted pursuant to the stipulations of Article 29 Item 2 of the Japan Patent Law.

Record

Regarding the claims

The present invention is related to a frame rate estimation method of a CDMA format communications system, wherein the frequencies of combinations of current and anticipated frame rates are statistically processed, and the continuing frame rate is estimated. However, we have judged that this could easily have been made by a person having ordinary knowledge in the applicable field (Japan Patent Law Article 29, Item 2) from International Patent Publication No. 97-5717 (February 13, 1997) wherein a metric based on the symbol energy is calculated for each transmitted packet, and then the continuing frame rate is statistically determined based on the aforementioned calculated value.

Attachments

Attachment 1 - International Patent Disclosure Publication No. 97-5717 February 13, 1997"

Applicant's statements regarding the Korean Office Action are based on a partial translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Korean Office Action.

Applicant respectfully requests that the listed documents be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO SB/08 be returned in accordance with MPEP §609.

Respectfully submitted,

September 4, 2002
Date

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